

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR No. 24-1493 MLG

LUPE VARGAS, EDWARD VALLES,
MONALISA VARGAS and THERESA ATENCIO,

Defendants.

ORDER CONTINUING MOTIONS DEADLINE AND TRIAL SETTING

This matter is before the Court on Defendants' Unopposed Motion to Continue Motions Deadline and Trial Setting. Doc. 62. The Court having reviewed Defendants' motion, having been advised that Assistant U.S. Attorney David Hirsch does not oppose this motion, and; further, the motion by Defendants having been filed in accordance with the provisions of 18 USC § 3161 (h)(7)(a) and it appearing that the ends of justice served by allowing this continuance outweigh the best interest of the public and the Defendants in a speedy trial; that this is the Defendants' first request for a continuance of his trial date; the Court finds that Defendants' motion is well-taken and should be granted.

The Court having considered the motion and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), finds that Defendants have by their motion, created a sufficient record to justify granting the motion to continue. See id., 574 F.3d at 1271 (requiring that the record on a motion to continue "contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time").

It is therefore ordered that Defendants' Unopposed Motion to Continue (Doc. 62) is granted.

It is further ordered that the Pretrial Conference hearing of January 2, 2025 and the Jury Selection/Trial of January 13, 2025 are vacated.

Pretrial Conference is reset for April 3, 2025 at 1:30 p.m. and Jury Selection/Trial is reset for April 14, 2025 at 9:00 a.m. before Judge Matthew L. Garcia at the United States Courthouse, 333 Lomas Blvd., N.W., Gila Courtroom, 5th Floor in Albuquerque, New Mexico.

It is further ordered that pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice are best served by granting the unopposed motion for continuance and that those considerations outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

It is finally ordered that counsel shall adhere to the Court's instructions and case management deadlines as set forth in the following attachment, "Pretrial Deadlines and Procedures for Criminal Cases before The Honorable Matthew L. Garcia."



UNITED STATES DISTRICT JUDGE
MATTHEW L. GARCIA